

MAY 27 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

JAMES W. McCORMACK, CLERK
By:  DEP CLERK

THOMAS AND GINGER BLACKMON, on
behalf of themselves and their minor children
GRACE AND CLARK BLACKMON,

Plaintiffs,

v.

BLACKBERRY FARM, LLC, TEXTRON
SPECIALIZED VEHICLES d/b/a E-Z GO,
and MIKEY'S MOTORS, LLC

Defendants.

Case No. 4:21-cv-459-JM

This case assigned to District Judge Moody
and to Magistrate Judge Kearney

COMPLAINT

COMES NOW the Plaintiffs Thomas and Ginger Blackmon on behalf of themselves and their minor children Grace and Clark Blackmon and for their complaint against Defendants Blackberry Farm, LLC, Textron Specialized Vehicles d/b/a E-Z Go, and Mikey's Motors, LLC, allege as follows:

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this civil state law claim as complete diversity of citizenship exists and the amount in controversy well exceeds the necessary sum for federal jurisdiction.
2. This is a dispute between citizens of Arkansas, Tennessee, Delaware, and Georgia.

3. Venue is proper in this District in that the Plaintiffs each reside within this judicial district, each Defendant committed wrongs against each Plaintiff residing here, and each Defendant derives substantial revenue from citizens of the State of Arkansas and has minimum contacts in the State of Arkansas, and thus, may be sued here consistently with due process.

PARTIES

4. Plaintiffs Thomas and Ginger Blackmon bring this action on behalf of themselves and their minor children Grace and Clarke Blackmon. Each of them are citizens of Arkansas and reside within this judicial district.

5. Defendant Blackberry Farm, LLC (“Blackberry”) is a citizen of Tennessee and has a principal place of business at 1471 W. Millers Cove Rd., Walland, Tennessee 37886-2649. Its Registered Agent for service of process is David Wilson Long, 1111 N. Northshore Dr., Knoxville, TN 37919-4097. Blackberry is a luxury resort located about 27 miles south of Knoxville, Tennessee. It serves paying business invitee guests having citizenship in the State of Arkansas, including the Plaintiffs, and derives significant income from the State of Arkansas. For these reasons, this Court has personal jurisdiction over Blackberry.

6. Defendant Textron Specialized Vehicles, Inc. d/b/a E-Z Go (“E-Z Go”) is a citizen of both Georgia and Delaware having been organized in Delaware, but having a principal place of business at 1451 Marvin Griffin Road, Augusta, Georgia 30906. Its Registered Agent for service of process is C T Corporation System, 289 S. Culverly St., Lawrenceville, GA 30046-4805. E-Z Go negligently manufactured and designed the golf cart that caused substantial injuries to Plaintiffs, which reside within this judicial district, and receives substantial revenue from citizens of the State of Arkansas. For these reasons, this Court has personal jurisdiction over E-Z Go.

7. Defendant Mikey's Motors, LLC ("Mikey's") is a citizen of Tennessee, has a principal place of business at 2118 N. Thompson Ln, Murfreesboro, Tennessee 37129-6025, and may be served with process at the same address. Mikey's sells and services golf carts, and further, based upon information and belief, sells golf carts to citizens of the State of Arkansas and derives significant revenues from the State of Arkansas. For these reasons, this Court has personal jurisdiction over Mikey's.

FACTUAL ALLEGATIONS

8. In late March of 2021, the Blackmon family reserved a house and were paid guests of Blackberry Farm, which is owned and operated by Blackberry.

9. With Blackberry's accommodation of the Blackmons, Blackberry also provided a six-seater golf cart ("Cart") for them to use while at Blackberry's resort.

10. On or about March 22, 2021, Ginger Blackmon was driving the Cart with her children Grace and Clark as passengers, and also with Susan Reynolds, Sophie Reynolds and Lovey Reynolds as passengers.

11. Ms. Blackmon was driving the cart down a steep grade when the speed limiter system and braking system failed to slow and stop the vehicle, which caused the cart to wreck and cause substantial direct physical and emotional injuries to Ginger, Grace, and Clark Blackmon.

12. E-Z Go manufactured and designed the Cart, including its speed and braking systems.

13. Mikey's sold the Cart to Blackberry and modified its braking system before delivering it to Blackberry, and apparently, at Blackberry's instruction.

COUNT I
NEGLIGENCE

37. Plaintiffs re-allege and incorporate the paragraphs above.

38. Blackberry owed a duty to Plaintiffs as its business invitees to provide the safe accommodations, including the Cart, but breached its duty by providing the Cart in an unsafe condition, because its speed and braking systems were subject to and did in fact fail on Blackberry's hilly and maintained terrain.

39. EZ-Go owed a duty to Plaintiffs as users of the Cart, which it manufactured, designed and sold, but breached its duty by providing the Cart in an unsafe condition, including its faulty speed and braking systems were subject to and did in fact fail.

40. Mikey's owed a duty to Plaintiffs as users of the Cart, which it sold and modified, but breached its duty by providing the Cart in an unsafe condition, including its faulty speed and braking systems were subject to and did in fact fail.

41. All of Defendants' breaches, as detailed above proximately caused Plaintiffs to suffer substantial personal and emotional injuries, pain and suffering, and loss of consortium.

JURY DEMAND

Plaintiff demands a trial by jury of twelve on all issues so triable.

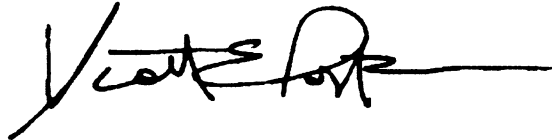
PRAYER OF RELIEF

WHEREFORE, Plaintiffs pray for Judgment in their favor and recovering compensatory damages, damages for permanent and temporary physical and emotional injuries, loss of consortium, other damages, punitive damages for actions taken with malice, jointly and severally, and their attorneys' fees and costs, and all other just and appropriate relief.

DATE: May 27, 2021

Respectfully,

POYNTER LAW GROUP

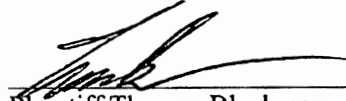
A handwritten signature in black ink, appearing to read 'Scott Poynter', with a long horizontal line extending to the right.

Scott Poynter

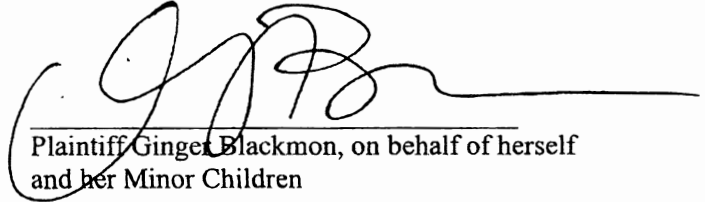
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VERIFICATION

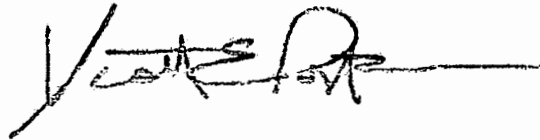
Undersigned Plaintiffs and their counsel hereby verify that the facts asserted above are true and accurate to the best of their knowledge.



Plaintiff Thomas Blackmon, on behalf of himself
and his Minor Children



Plaintiff Ginger Blackmon, on behalf of herself
and her Minor Children



Scott Poynter, Plaintiffs' Counsel